

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 1:14-cv-13347

**SHONGI FERNANDES,
Plaintiff,**

V.

**CITY OF BOSTON; SGT. DAVID GAVIN,
Individually, and in his official capacity as an
Employee, Agent, and/or officer of the BOSTON
POLICE DEPARTMENT,
Defendants.**

**DEFENDANT, CITY OF BOSTON'S MOTION TO ENLARGE TIME TO FILE
RESPONSIVE PLEADINGS OR OTHERWISE RESPOND TO THE COMPLAINT
PURSUANT TO FRCP 6(B)**

Pursuant to Fed. R. Civ. P. 6(b), the Defendants, City of Boston and Shongi Fernandes, hereby move this Honorable Court to grant an extension of time, up to and including October 1, 2014, to file a responsive pleading or otherwise respond to the complaint in the above-captioned matter. As grounds for this motion, the defendants state as follows:

1. On June 25, 2014, the Plaintiff, Shongi Fernandes, filed this lawsuit pursuant to 42 U.S.C. § 1983, 1985, and 1988 against the Defendants in Suffolk Superior Court.
2. On August 14, 2014, the Defendant, City of Boston, removed the action to the United States District Court based on Plaintiff's claims arising under the United States Constitution.
3. Representation for the individual officer is still pending approval by the Police Commissioner and Corporation Counsel, thus undersigned counsel has not had an

opportunity to meet with the Defendant to discuss this matter. Undersigned counsel for the City of Boston is also currently on vacation until September 3, 2014.

4. The Defendants require additional time to investigate the allegations by meeting with the individual officer in order to complete an accurate, responsive pleading or otherwise respond to Plaintiff's Complaint.
5. Allowing this motion will not prejudice any party to the action. In fact, allowing the requested extension will further the interests of justice.

WHEREFORE, the defendants respectfully request that this Honorable Court allow their motion to extend time to file responsive pleadings, and set the date for filing of responsive pleadings for October 1, 2014.

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

8/25/14 /s/ Lisa Skehill Maki
Date Lisa Skehill Maki

Respectfully submitted,

DEFENDANTS, CITY OF BOSTON, SGT.
DAVID GAVIN

Eugene O'Flaherty,
Corporation Counsel

By their attorney,

/s/ Lisa Skehill Maki
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7.1 Certification

Undersigned counsel certifies that on August 24, 2014, pursuant to LR, D. Mass. 7.1(a)(2), undersigned counsel spoke with counsel for the Plaintiff and requested an extension of time to respond to the Complaint based on the above-mentioned grounds. Counsel for Plaintiff declined to assent.

Date: August 25, 2014

/s/ Lisa Skehill Maki
Lisa Skehill Maki